

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-5, 12-14, 50, 52, 73, 74, 82, 84, 86, 88-91, 102, 104-108, and 110-125 are presently active in this case. The present Amendment amends Claims 86, 88, 90, 104 and 110 and cancels Claims 56, 57, 64, 65, 103, 109 and 126-135.

The outstanding Office Action rejected Claims 1-5, 12-14, 50, 52, 73, 74, 82, 84, 86, 88-91, 102, 104-108 and 110-125 under 35 U.S.C. 103(a) as being unpatentable over Hull et al. (U.S. Patent No. 5,806,005).

Claims 56, 57, 64 and 65 were allowed and Claims 103, 109 and 126-135 were indicated as allowable if rewritten in independent form. Applicant acknowledges with appreciation the indication of allowable subject matter. In response, Applicant cancels claims 56, 57, 64, 65, 103, 109 and 126-135 and has filed a continuation application including those claims.

In response to the rejection under 35 U.S.C. §103(a), Applicant respectfully requests reconsideration of this rejection and traverses the rejection as discussed next.

Briefly recapitulating, Applicant's invention, as recited in independent Claim 1, relates to an information processing apparatus adapted to exchange information with another information processing apparatus. The apparatus includes means for capturing information including at least time information and memory means for storing information captured via the capture means. The apparatus further includes *acquisition means for acquiring information associated with the information stored in the memory means on the basis of the information stored in the memory means*. Independent Claims 4, 5, 12, 73, 82, 84, 86, 88 and 90 also recite, or are amended to recite, the acquisition means or a similar feature.

Turning now to the applied prior art, the Hull et al. patent discloses a portable image transfer system with a digital still camera which captures images in digital form and stores

the images in a camera memory, a cellular telephone transmitter, and a central processing unit (CPU). The CPU controls the camera memory to cause it to output data representing an image and the CPU controls the cellular telephone transmitter to cause a cellular telephone to transmit the data received from the camera memory. A receiving station is coupled to the cellular telephone transmitter by a cellular network to receive image data and store the images.

As acknowledged by the outstanding Office Action, however, "Hull fails to disclose time information."¹ The outstanding Office Action argues that "the use of a time stamp in a camcorder was a notoriously well-known feature at the time of the invention, as exemplified by Andersion (U.S. Patent No. 6,094,221), where it is stated that a time-stamp was a part of a typical digital camera at the time of the invention."²

Applicant respectfully submits, however, that neither the Hull et al. patent nor the Andersion patent disclose the claimed acquisition means for acquiring data *associated with the captured information, on the basis of the information*. The use of a time stamp in a camera does not meet this feature. By way of a non-limiting example, the claimed acquisition means can acquire data associated with time information on the basis of time information. Therefore, even if the combination of the Hull et al. and Andersion patents is assumed to be proper, the combination fails to teach every element of the claimed invention. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents,³ and respectfully submit that independent Claims 1, 4, 5, 12, 73, 82, 84, 86, 88 and 90, as well as the dependent claims depending therefrom, are patentably distinct over the prior art.

¹ Outstanding Office Action at page 2, line 4 from the bottom.

² *Id.* at lines 1-4 from the bottom.

³ See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

With respect to the rejection of Claims 118-125, Applicant respectfully traverses this rejection as discussed next.

Independent Claim 118 is directed to an information processing apparatus including, among other features, a recording device configured to record information related to a music playing when the recording device records the information and a circuit configured to *acquire information based on the information related to the music*. The outstanding Office Action acknowledges that Hull “fails to mention that the information is associated with played music.”⁴ The outstanding Office Action argues that “using the camera to record music, for example, a live show, would have been an obvious use of a camera to one of ordinary skill in the art at the time of the invention.”⁵

Applicant respectfully submits, however, that the Hull et al. patent does not disclose the claimed combination of the recording device and the circuit configured to *acquire information based on the recorded information related to the music*, as recited in Claim 118. The Hull et al. camera, recording a musical live show, does not meet these features. Such features would not have been obvious to one of ordinary skill in the art at the time of the invention. Furthermore, there is no evidence for a motivation to modify the Hull et al. image transfer system by incorporating the claimed circuit configured to acquire information based on the recorded information related to the music. Therefore, Claims 118-125 are believed to be non-obvious and patentable over the applied prior art.

The present amendment is submitted in accordance with the provisions of 37 C.F.R. § 1.116, which after Final Rejection permits entry of amendments placing the claims in better form for consideration on appeal. As the present amendment is believed to overcome outstanding rejections under 35 U.S.C. § 103, the present amendment places the application

⁴ Outstanding Office Action at page 4, line 12.

⁵ *Id.* at lines 13-14.

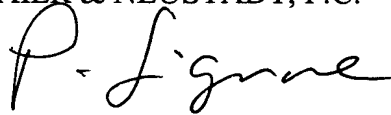
in better form for consideration on appeal. In addition, the present amendment is not believed to raise new issues because the changes to Claims 86, 88 and 90 merely recite features previously introduced in other claims, such as Claim 1. It is therefore respectfully requested that 37 C.F.R. § 1.116 be liberally construed, and that the present amendment be entered.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-5, 12-14, 50, 52, 73, 74, 82, 84, 86, 88-91, 102, 104-108, and 110-125 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073
Philippe J. C. Signore, Ph.D.
Registration No. 43,922



22850

Tel. (703) 413-3000
Fax (703) 413-2220
BDL/PJCS/vss